

BROWN
NERI
SMITH
& KHAN

September 20, 2023

Via ECF Filing

Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
Courtroom 521
300 Quarropas St.
White Plains, NY 10601

**Re: *ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08229-KMK,*
ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08227-KMK,
ProImmune v. Three Aminos, et al., Case No. 7:22-cv-07242-KMK,
*Joint Letter Requesting Briefing Schedule***

Dear Judge Karas:

We represent The ProImmune Company LLC and Albert Crum, M.D. (collectively, “ProImmune”). Together with Defendants Three Aminos LLC and Laura Lile, M.D., we submit this joint letter on behalf of all parties in response to the Court’s September 6, 2023 order.

This letter addresses three motions: (i) ProImmune’s contemplated motions to dismiss the Counterclaims asserted by Dr. Lile in each of the above-referenced cases; (ii) ProImmune’s contemplated motion for leave to amend its Complaint in Case No. 7:22-cv-07242; and (iii) Dr. Lile’s contemplated motion to extend the automatic stay to claims by and against her in these matters.

First, ProImmune previously submitted pre-motion letters in each case requesting conferences regarding anticipated motions to dismiss the counterclaims asserted by Three Aminos and Dr. Lile. Since ProImmune filed those letters, Three Aminos has filed for bankruptcy, and thus Three Aminos’s counterclaims are stayed. ProImmune still intends, however, to bring motions to dismiss the counterclaims brought by Dr. Lile, as those claims are not subject to the automatic stay provision of the bankruptcy code. Dr. Lile intends to oppose those motions.

Second, ProImmune intends to seek leave to amend its Complaint in Case No. 7:22-cv-07242 to add Lile Wellness Partners, a group of medical practices owned by Dr. Lile, as a defendant. ProImmune asserts that amendment is appropriate due to Dr. Lile’s recent testimony in the bankruptcy proceeding that Lile Wellness Partners is directly selling products that ProImmune contends infringe on its trademarks. Dr. Lile intends to oppose this motion.

September 20, 2023
Page 2

Third, as set forth in Dr. Lile's June 29, 2023 letter to the Court (*see, e.g.*, Case No. 8227, ECF 56), Dr. Lile contends that the claims against and by her in these cases should be stayed. As discussed in her letter, Dr. Lile asserts that the claims against and by her in these matters encompass issues that are at the core of the jurisdiction of the bankruptcy courts and depend upon the application or construction of bankruptcy law, and thus Dr. Lile contends that the automatic stay provision of the bankruptcy code should extend to these claims. Dr. Lile intends to bring a motion for an order staying the claims by and against her. ProImmune will oppose the motion.

With respect to all of the contemplated motions (the motions to dismiss, the motion for leave to amend, and the motions to stay), the parties jointly request the following briefing schedule:

- Motions due on or before October 27, 2023;
- Oppositions due on or before November 17, 2023;
- Replies due on or before December 1, 2023.

The parties further request that their deadline to submit Rule 26(f) reports in each case be stayed until after resolution of the forthcoming motions. Thank you for your consideration.

Sincerely,



Ryan Abbott
of BROWN, NERI, SMITH & KHAN LLP